



to file a single omnibus motion to dismiss Plaintiffs' Amended Complaint in excess of the Court's 20-page default page limit. *See* Local Rule CV-7(c)(2). Specifically, Defendants seek leave to file a single combined motion to dismiss of 60 pages, exclusive of the caption, tables of contents and authorities, signature block, certificates, and accompanying documents.

3. Plaintiffs are unopposed to this request.

4. Second, Defendants also ask that the Court permit them to uniformly format footnotes as single-spaced and in 10-point font in their motion to dismiss and response to Plaintiffs' motion for a preliminary injunction. *See* Local Rule CV-10(a).

5. Plaintiffs take no position on this request.

6. Finally, because many of the arguments that Defendants make in response to Plaintiffs' motion for a preliminary injunction overlap with those they will present in their motion to dismiss, Defendants ask that the Court permit Defendants to freely adopt statements from their motion to dismiss by reference into their response to Plaintiffs' motion seeking injunctive relief.

7. Federal Rule of Civil Procedure 10(c) permits adoption by reference of a statement in a pleading into motions filed in the same case, but does not expressly permit adoption by reference of statements from one motion or response into another. *See Muttathottil v. Mansfield*, 381 F. App'x. 454, 456–57 (5th Cir. 2010) (explaining basic operation of Fed. R. Civ. P. 10(c)). Nevertheless, some federal courts permit litigants to adopt statements by reference from prior motions into subsequent motions or responses in that same action. *See* Wright & Miller, *5A Fed. Prac. & Proc. Civ.* § 1326 (4th ed.) (explaining the practice and collecting cases supporting the proposition).

8. Defendants make this request to avoid providing the Court with needlessly duplicative briefing and background facts, and to focus the points at issue on Plaintiffs' motion for a preliminary injunction that must be analyzed distinctly from the points that Defendants intend to raise in their motion to dismiss. If the Court grants this request, then Defendants would ask for

leave to file a single response to Plaintiffs' motion for a preliminary injunction of 35 pages, exclusive of the caption, tables of contents and authorities, signature block, certificates, and accompanying documents.

9. In the alternative, should the Court deny Defendants' request for leave to freely adopt by reference statements from their motion to dismiss into their response Plaintiffs' motion for a preliminary injunction, then Defendants ask that the Court grant them leave to file a response of 50 pages, exclusive of the caption, tables of contents and authorities, signature blocks, certificates, and accompanying documents.

10. As indicated above, Plaintiffs take no position on Defendants' request to adopt by reference briefing on the overlapping issues from Defendants' motion to dismiss into their response to Plaintiffs' motion, though their counsel stated that the facts in each brief should stand on their own.

WHEREFORE, Defendants respectfully request that the Court grant this motion, and grant Defendants leave to:

(1) exceed the Court's default page limit and file a single omnibus motion to dismiss of 60 pages exclusive of the caption, tables of contents and authorities, signature block, certificates, and accompanying documents;

(2) to freely adopt statements by reference from their motion to dismiss into their response to Plaintiffs' motion for a preliminary injunction; and

(3) to exceed the Court's default page limit and file a single omnibus response of 35 pages to Plaintiffs' motion for a preliminary injunction, exclusive of the caption, tables of contents and authorities, signature block, certificates, and accompanying documents, or 50 pages in the event the Court does not permit Defendants to freely adopt statements by reference from their motion to dismiss.

Dated: August 8, 2024  
Austin, Texas

Respectfully submitted.

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**CERTIFICATE OF CONFERENCE**

I certify that the parties have conferred regarding the relief requested in this motion, and that Plaintiffs are unopposed to Defendants' request for extensions to the Court's default page-limit, but take no position on Defendants' other requests for relief, with the caveat that Plaintiffs believe that the facts in Defendants' motion to dismiss and response to Plaintiffs' motion for a preliminary injunction should stand on their own.

/s/ Cole P. Wilson

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing was served on all counsel of record on August 8, 2024, using the Federal Court CM/ECF system.

/s/ Cole P. Wilson